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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,625

08/28/2003

Ullrich U. Hetzler

CU-3325 VE

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01/21/2005

PATENT & TRADEMARK DOCKET CLERK

RYNDAK & SURI

30 NORTH LASALLE STREET

SUITE 2630

CHICAGO, IL 60602

EXAMINER

EASTHOM, KARL D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/650,625

Applicant(s)

HETZLER, ULLRICH U.

Examiner

Karl D Easthom

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The oath is objected to because it incorrectly lists describes foreign applications that described as filed within 12 months of the filing date of this application, but the dates of filing indicate otherwise. Earlier indication of receipt of foreign documents appears to have been mistaken. Further, please note that if applicant filed foreign documents that are now prior art since there is no continuity, the Examiner would consider same material to this prosecution.

For example, 35 USC 102 (d) specifies A person shall be entitled to a patent unless – (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 and 14-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant introduces “oppositely disposed ends” and later recites “the opposite ends thereof” and then later recites “said oppositely disposed ends” so that it is not clear if the “opposite ends” are the same as the “oppositely disposed ends” or not.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerber et al. (6148502) Gerber discloses the claimed invention at Figs. 1 and 2, with metal piece 16, 20 of 14 mils at col. 3, which is greater than 20um, with electroplated coatings 22, 24. The coatings 22, 24 extend upwards from metal piece 16, 20 as seen at Fig. 2. made up of resistor alloy Ni/Cr, and contacts. For claim 2, a 6mohm resistor at col. 3, lines 45-65 is "approximately" 5mohms where the term is broad. For claim 3, the substrate is either side 18 which is turned away from the connection contacts on the other side. For claim 4, see col. 3, noted above. For claim 5, see col. 4, lines 64-68. For claim 16, the 60 square resistor at Fig. 27 with 2mohms per square, see col. 5, meets the claim. For claim 17, the sides extend in a downward direction parallel to an end. For claim 15, see col. 3, lines 15-31.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. '502 in view of Robbins, or Helgeland '781. Gerber discloses the claimed invention except for saw cutting. Applicants admit it is known to cut by saws. Gerber discloses at col. 3, lines 15-31, cutting by any method, including lasers and cutting in general. It is assumed here that the method of cutting creates a distinct cutting edge. Similar remarks apply to Robbins, disclosing at col. 4, lines 5-15, cutting by either saw or laser. Helgeland discloses cutting by a saw at col.

2, lines 63-72 as a typical manner of cutting. For reasons noted, it would have been obvious to employ any known method of cutting in order to obtain the desired size

8. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. '502 in view of Smejkal '329, Robbins, or Helgleand '781, further in view of Szwarc et al. Gerber with Robbins or Helgleand discloses as noted above the claimed invention except for cutting of the connection contacts. Smejkal discloses cutting in general at col. 4, lines 5-17, and also discloses cutting by many methods such as by lasers, etching, or grinding. For claim 18, applicants admit it is known to cut by saws. Thus, where Smejkal discloses cutting by any method, including the etching employed by Gerber, it would have been obvious to employ any known method of cutting in order to obtain the desired size. It is assumed here that the method of cutting creates a distinct cutting edge. As to the connection contacts, Szwarc discloses cutting the whole device, see Fig. 4, including connection contacts 16, 18, in order to aid in trimming of the device or to cut it to its desired size after attaching the connection contacts, having plated ends like that of Gerber, so that such a cut would have been obvious.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Applicant's arguments filed 11/18/2004 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989.

The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Easthom  
Primary Examiner  
Art Unit 2832

KDE